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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,355	05/03/2001	Donald Morris	032775-047	6889
26181	7590	08/09/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402				LAMBERTSON, DAVID A
ART UNIT		PAPER NUMBER		
		1636		

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO. 09/847,355	FILING DATE 05/03/2001	FIRST NAMED INVENTOR: Morris et al.	ATTORNEY DOCKET NO. 16596-011001
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## EXAMINER

David A. Lambertson

ART UNIT	PAPER
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1636                  072204

DATE MAILED:

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## Commissioner of Patents

The following communication is a response to the amendment filed May 12, 2004. The amendment is non-responsive because the amendment shifts the invention. Previously, the claims were drawn to a method of preparing a cellular composition with a reduced amount of neoplastic cells. The claims as amended now read on a method of transplanting cells into a mammal, and contain distinct method steps from the previously claimed invention. As such, all claims are now withdrawn as being drawn to a non-elected invention by original presentation. Because there are no claims pending that are sufficient for examination based on the originally elected invention, the amendment filed May 12, 2004 is considered non-responsive to the previous Office Action. It is noted that this is the second time the invention has been shifted from the originally elected invention (see the Office Action mailed July 29, 2003, in which claims 1-6 and 8-23 were withdrawn as non-elected by original presentation). Further attempts to change the invention will be considered a non-Bona fide response.

Applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective, March 21, 2001, in order to avoid abandonment.

## EXTENSIONS OF THIS TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner David A. Lambertson, Art Unit 1636, whose telephone number is (571) 272-0771.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

David A. Lambertson, Ph.D.  
Examiner, Art Unit 1636

JAMES KETTER  
PRIMARY EXAMINER